

FIRST REGULAR SESSION

SENATE BILL NO. 515

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR JUSTUS.

Read 1st time February 15, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

2146S.02I

AN ACT

To amend chapter 167, RSMo, by adding thereto one new section relating to educational needs of children in licensed residential care facilities.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 167, RSMo, is amended by adding thereto one new section, to be known as section 167.128, to read as follows:

167.128. 1. The educational needs of each child under the jurisdiction of the juvenile court or family court under subdivision (5) of subsection 1 of section 211.031, RSMo, shall be considered as part of the function of the child's family support team pursuant to policy of the department of social services. Such needs shall include, but not be limited to, the assumption that regular full school days of education are warranted. For the purposes of this section, "full school day" shall mean six hours in which the child is under the guidance and direction of teachers in the education process.

2. When the department of social services by contract places a child for treatment in a licensed residential care facility setting for children as defined in section 210.481, RSMo, such facility shall be responsible for the educational needs of the child.

(1) Such facilities that have a school located on site shall provide the educational services for children placed in their care by the department of social services unless the child's plan of treatment and care supports his or her ability to attend public school. Any facility staff who provide education services at the facility shall be certified under section 168.021, RSMo.

(2) Such facilities shall be reimbursed by the local school district for the cost of educational services provided to children placed in their

22 care by the department of social services when the facility provides
23 educational services. The local school district shall be compensated for
24 such services as defined in section 167.126, RSMo.

25 (3) Children placed for treatment in a facility that has a school
26 located on site shall not be considered by the local school district as
27 "homebound" for purposes of education unless the family support team
28 has approved homebound instruction under subsection 1 of this section.

29 3. Notwithstanding any other provision of law, a child placed for
30 treatment by the department of social services in a facility described
31 in subsection 2 of this section whose plan of treatment and care
32 supports his or her ability to attend public school but who is suspended
33 or otherwise demonstrates school failure based on behavior or
34 academic performance shall then be provided an appropriate full
35 school day of education at such facility with a school located on
36 site. The facility and the local school district shall be financially
37 compensated for the education of such child according to subdivision
38 (2) of subsection 2 of this section.

39 4. Nothing in subsection 2 or 3 of this section shall prevent
40 facilities that have a school located on site from contracting with the
41 local school district to provide the educational services at such
42 facility. Nothing in this section shall create an obligation for a licensed
43 residential care facility to create an on site school.

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